

Columbia County Board of County
Minutes of
March 05, 2009

The Columbia County Board of County Commissioners met in a regularly scheduled meeting at the School Board Administration Office. The meeting opened at 7:00 p.m.

Commissioners in Attendance: Dewey Weaver, Stephen Bailey, Ronald Williams,
Scarlet Frisina, and Jody Dupree.

Others in Attendance: County Manager Dale Williams, Attorney Marlin
Feagle, Deputy Clerk Sandy Markham, BCC Secretary
Carolyn Baker.

The meeting came to order with prayer. The Pledge of Allegiance to the Flag of the United States of America followed.

Clarification: Chairman Bailey asked the Board, according to the new Rules of Procedure, if citizens would be able to give input prior to the meeting on items on the agenda. The response was "yes."

Clerk's Record Storage Center: Clerk of Courts DeWitt Cason said that for approximately 2 years, the county has been looking at land and facilities within close proximity of the courthouse to use as a Records Storage Center. This building would be modified according to the Secretary of the State's recommendations. An architect/ advisor was hired to review the final list of properties and make recommendations.

Akin S. Akinyemi of Akin & Associates Architects, Inc. ("AAA") said that he looked forward to working with the County on designing the Records Storage Center. In an effort to assist the county in their decision-making process, AAA gave a power point presentation regarding properties that were considered for the Clerk's Records Storage Center.

The established criteria and relative weight:

- Current Ownership/Cost to acquire (20)
- Space layout/ease cost of remodeling (20)
- Distance from the courthouse (20)
- Building size relative to programmed square foot (10)
- Building structural viability (10)
- Site area/building expansion (10)
- Parking (10)
- Total Criteria Weight = 100 points**

The following properties were considered and ranked with the following scores:

Old City Hall	88 points
Boy's Club	85 points
Watertown	82 points
Fastenal Building	76 points
Carter Lot	75 points
Old Montgomery Bldg	71 points

Brown Vann Bldg	68 points
Hollywood Wholesale	64 points
Embree Bldg.	60 points

In summary, Mr. Akinyemi said that there are two groups of properties that stood out among the rest:

Group #1 – Due to their proximity to the Courthouse alone:

Old City Hall, Fastenal Bldg. and Brown Vann Bldg

Group #2 – Due to county ownership:

Old City Hall, Old Boy's Club, Watertown, and Montgomery Bldg.

SUMMARY:

The Montgomery and Old City Hall buildings, which belong to both of these groups, would be natural choices, but each presents its own unique set of problems: For the Montgomery Building, its small size, the challenge of a two story structure, and the need for asbestos and lead paint abatement. For the Old City Hall, the reports that the building has been abated and that the structure is likely to be in good shape are unconfirmed. Preliminary visual observation shows that at least parts of the structure (columns, beams, and 2nd floor deck) are wooden. With more parking, handicap access, and building area than the Montgomery Building, the Old City Hall may be the choice, if other concerns are mitigated.

The challenge with both the Brown Vann and Fastenal buildings is the county's ability to negotiate a fair, but low enough sale price that will leave sufficient funds to undertake the necessary remodeling.

If the proposed facility is truly "an archiving of documents that are sparingly used", and if distance is not a major factor, the Old Boys' Club site will be ideal. It has plenty of space to remodel portions of the existing building or construct a new facility. This site also has the potential to evolve into a satellite campus, providing overflow spaces for other departments in the courthouse and for other community- based functions.

If, on the other hand, this proposed facility is "an extension of actively used document in the courthouse" and distance is a major factor, then the choice in probable order are: Old City Hall, Montgomery, Brown Vann, and Fastenal buildings.

When you overlap Group 1 and Group 2 above, and the two factors of proximity and being county-owned, the Old City Hall and Montgomery Buildings are the two leading choices. With the Montgomery building still in need of abatement, and being too small, the Old City Hall is the leading candidate, in Mr. Akinyemi's professional opinion.

The entire Power Point presentation is attached to the original minutes.

Commissioner Williams said, regarding the Old City Hall building, that he did not understand why the City "had" to move out if it is a good building. Clerk of Courts DeWitt Cason said that he spoke with the Project Manager, who indicated to him that the primary reason the City moved out was due to the structural instability of the building. Mr. Cason said that the City did abate the building, and later it was determined that the building was not safe.

Mr. Cason noted that Mr. Brian Carter called and has pulled the Carter home and property from the proposal.

Answering a question from Mr. Dupree, Clerk Cason said that the foregoing eight properties are the final list. He said they have not gotten into hiring structural engineers to address costs, without first determining what the wishes of the Board would be.

Commissioner Dupree asked how important the location is. Clerk Cason replied that he thinks location is important. He recalled that when courthouse renovations first began that the intent was to maintain a presence downtown, and noted that many of the local attorneys are within walking distance of the courthouse. The Clerk said that it is his intention to move the entire public records staff to the Records Retention Center.

Commissioner Dupree said that it is his understanding that the Brown Vann building is built in such a way that a second floor could be added. Mr. Akinyemi replied that a second floor could be added, but all of the money budgeted for this center would be expended in renovations, and that no money would be left for the purchase of the property.

The Board will take some time to review the presentation and will re-visit at a future date.

Fire Protection in South End of County

Citizen Stew Lilker addressed the Board regarding ISO ratings, increased insurance premiums, and fire protection for the southern portion of the county that once had automatic response coverage from the High Springs Fire Department ("HSFD") in the past. Mr. Lilker said that the loss of the HSFD coverage affects 576 South Columbia residents who have received an increase in their ISO rating from a "6" to a "9," and that the increased ISO rating has resulted in increased insurance premiums. Mr. Lilker said that the insurance on his home has increased by \$300 per year. The majority of which is related to the increased ISO. Mr. Lilker recalled that High Springs intended to charge Columbia County \$32,000-\$35,000 for continued coverage, which amounted to approximately \$55 per year per home in that area. Columbia County discontinued services with the HSFD and is now charging residents in the southern end a \$154 fire assessment fee. Mr. Lilker said not only are these residents paying more, but they are also being provided with less coverage. Mr. Lilker compared the services once provided by the HSFD to the services now being provided by the Columbia County Fire Department ("CCFD"). The HSFD staffs only EMT certified fire fighters, they are able to respond to many of the homes in the south end within a 3-5 minute window, and they have five (5) full time EMT certified firefighters working during the day, and three full time EMT certified firefighters on staff during the evenings. Fort White's coverage now consists of two firefighters, only one of which is EMT certified. Their average response time is 10-13 minutes. Mr. Lilker said that many people in the south end do not even realize that their emergency response is no longer the HSFD. He asked that a letter be sent to the residents advising them that they are now being covered by the Fire Department in Fort White. Mr. Lilker noted that statistics show that just under 80% of all 911 calls for emergency assistance in Fort White are EMT or Medical related calls. He reminded the Board that the first five minutes are the most critical for those having a stroke or a heart attack. Mr. Lilker told the Board that he could not imagine why they were not working "full speed ahead" in making arrangements with the HSFD since they offer better coverage at a lot cheaper price. He said that using the HSFD would also lower the ISO ratings in the area, because a large number of people would then fall within the five mile radius of a fire department. Mr. Lilker said that the Board is not adequately protecting the residents of the south end of the county in the event of an emergency, and that not having the HSFD as their first responder is simply irresponsible on the County's part. He asked what type of resolutions there would be for the citizens in the southern end of the county.

Meeting Rules and Procedures

Commissioner Williams recalled that at a past meeting, he spoke in opposition to amending the Rules of Procedure requiring that the public offer comments at the beginning of the Board meetings instead of at the end of the meeting. He said that after considering the idea further, he thinks that having the public speak at the very beginning of the meeting is a good idea, as it will give the Board an opportunity to answer citizens' questions as they take up the item on the agenda. This will also prevent interruptions while the Commission handles the business of the county. He said that the public will need to complete their comment cards, and that comments and concerns will be addressed by the Board, as much as possible, before entering into the formal business of the county.

Commissioner Dupree agreed with Commissioner Williams' suggestion. He suggested that the Board also add into the Rules of Procedure giving the Chairman and the County Manager the authority and discretion to approve who is placed on the agenda, for those individuals who have not first gone through the

administrative channels seeking resolution. For those individuals who have sought resolution, but to no avail, they would be allowed to bring their matter before the Board.

Commissioner Frisina said that when this matter came up a few weeks ago, she initially thought it was a good idea to have the public give input at the very beginning of the meeting. However, unlike Commissioner Williams, after having had time to think more about it, she feels that the constituents should be given the opportunity at the end of the meeting to speak. She said that since the commissioners represent the people, the commissioners should hear the opinions as well as the feedback of the people regarding the actions taken by the Board during the meeting. Commissioner Frisina agreed that there is a benefit in taking input from the people at the beginning of the meeting regarding items to be discussed during the course of the meeting, as it helps the Board to better address the concern of the citizen while on the topic. She said that ceasing to take public comment at the end of the meeting only forces citizens to wait until the next meeting to offer their feedback on the Board's actions from the prior meeting.

Commissioner Weaver said that the positive side to the proposed change is that a person can give input on any item on the agenda, prior to action being taken. Commissioner Frisina said that she understood the benefit in taking public comment before hand, but she pointed out that it only forces citizens to comment at the beginning of the next meeting on the actions of the Board at the prior meeting. Commissioner Dupree offered that the public can comment or ask questions of their commissioners after the meeting or contact staff the next morning for feedback or clarification.

Commissioner Williams began to make his motion to amend the Rules of Procedure when Citizen Stewart Lilker stated from the audience that the agenda did not indicate this matter was an "action" item. Commissioner Frisina answered that the agenda reflects "Discussion and Action" items. The Chair informed Mr. Lilker that he was out of order and that the matter at hand was a discussion and action item.

Citizen Rita Hedrick told the Board that she found it unconscionable that the commissioners would even consider not "publicly" listening to the comments and concerns of the people at the end of the meetings as they have done in the past. She told the Board that they should be ashamed of themselves for even considering this amendment.

Citizen Lance McDonald reminded the Board that approximately a month ago, he gave a presentation on proposed Meeting Rules and Procedures, and that he requested that the Board begin conducting their business according to Robert's Rules of Procedure. He said that at that same meeting, as a vote was about to take place, there was mass confusion about what was being voted on. He said that Roberts Rules of Order would have solved that problem. He reminded Commissioner Frisina that after the meeting, she told him personally that she wanted to use Roberts Rules of Order. He asked Commissioner Frisina to be the voice needed to get Roberts Rules enacted. Mr. McDonald said that citizens should never be silenced when they want to speak about an item on the agenda. He said that input should be taken when the item comes up. Otherwise, an hour or better later when the item comes up, points will be forgotten.

Citizen Stewart Lilker said that he was in agreement with Ms. Hedrick and Mr. McDonald. Mr. Lilker said that the Board should not amend the rules just because they feel like it, because without "rules" there is only "anarchy." He said that it is a general rule of statutory construction that when a statute specifically sets forth those things upon which it is to operate, it is to be construed as excluding from its operation all things not expressly mentioned. From a Florida court case Mr. Lilker read that it is a basic rule of statutory construction that words in statutes should be given the meaning accorded to them in common usage unless a different connotation is expressed in, or necessarily implied from, the context of the statute. The cardinal rule of statutory construction is that a statute should be construed so as to ascertain and give effect to the intention of the Legislature as expressed in the statute. Mr. Lilker said that according to the administrative code approved by the Board of County Commissioners, the Rules of Procedure can be amended once per year. He asked how the Board could justify changing the rules a few weeks after the last amendment. Finally, Mr. Lilker read from a 1966 Florida court case that, a statute, as amended, is to be construed as a consistent whole, in harmony with common sense and reason, and every part should be given effect if possible. Mr. Lilker contended that to change the rules twice in a period of a few weeks would be illegal.

Attorney Feagle replied that F.S. 125 gives the power to the Board of County Commissioners to adopt their rules and procedures for the meetings. He said that the Board is not bound by rules of statutory construction. Attorney Feagle said that he was not certain what Mr. Lilker was referring to about only being able to make changes once per year.

Attorney Feagle offered that one of the reasons that Florida Statutes are changed only once per year is that the Florida legislature meets once per year and it seems that changes are always made to the statutes at that time. He said that if one were to follow that reasoning, it could easily be argued that the Board of County Commissioners could change their rules or legislative action each time they meet, which is twice per month.

Regarding the Rules of Procedure, Attorney Feagle said that the Board passed legislation by ordinance, not by statute. He said that when a body adopts an ordinance, that same legislative body can modify, amend, or repeal the ordinance. Attorney Feagle said that in his opinion, there is nothing at all illegal in the Board modifying its Rules of Procedure, as long as proper notice is given, and as long as that is the intent of the Board.

MOTION by Commissioner Williams to take public comment at the beginning of the meeting. Second by Commissioner Dupree.

Discussion:

Commissioner Dupree asked Commissioner Williams what his feelings would be as it relates to adding language that gives the County Manager and the Chair discretion regarding agenda items.

Commissioner Williams replied that a person should go through staff in attempting to get a problem resolved. He said the system is not being utilized properly if the person is not allowing staff an opportunity to resolve their problem.

MOTION by Commissioner Williams to amend the motion. Second by Commissioner Dupree. The motion carried unanimously.

AMENDED MOTION by Commissioner Williams to take public comment at the beginning of the meeting, and to have all agenda items approved by the County Manager and Chair before being placed on the agenda. Second by Commissioner Dupree.

There was a roll call vote. The motion carried 3-2 with Commissioner Weaver and Commissioner Frisina voting in opposition.

Commissioner Weaver clarified that his reason for voting in opposition is not that he opposes the procedure, but that he opposes amending the procedures in such a short period of time.

Consent Agenda

County Manager Williams asked that item #17 be pulled. He explained that all of the commissioners have not had a chance to review that set of minutes.

There was a call for clarification on item #8. The County Manager assisted.

MOTION to approve the Consent Agenda by Commissioner Weaver. Second by Commissioner Dupree. The motion carried 4-0. Commissioner Williams abstained from voting as he was not present for the entire discussion.

- (1) External Budget Amendment – Public Library – BA #08-05 – Increased Work Hours for Fort White Branch Manager - \$14,356.00
- (2) External Budget Amendment – Sheriff’s Office – BA #08-11 – Operating and Capital Outlay - \$240,000.00
- (3) Indigent Burial – Dees-Parrish Family Funeral Home – James L. O’Quinn, Deceased - \$500.00
- (4) Indigent Burial – Dees-Parrish Family Funeral Home – Chase Lee Schmit-Girotti, Deceased - \$500.00
- (5) Gray Construction Services, Inc. - Change Order - #2 – Fire Station Race Track Road - \$190,966.34 Deduct
- (6) Clay Electric Cooperative, Inc. – Right-of-Way Easement – Lulu Community Center Property – Cell Tower-O’Steen
- (7) Emergency Management – Modification Agreement - FEMA Project Number 1561-160-R – Clayton, Bias, Sweeny, & Thomas Acquisition – \$154,400.00
- (8) Solid Waste – 1996 John Deere Front-end Loader – Asset # 10064 - Request Transfer of Equipment to Public Works Department
- (9) 9-1-1 Addressing – Naming of Unnamed Roads – SW Lords Glen
- (10) Airport Manager, City of Lake City, Tom Sawyer – Requesting the Removal of Trees on County Property Located South of S. R. 100 – Obstructing the Approach of Aircraft to Runway 05
- (11) Sheriff’s Office – Requesting the Release of Funds – Contraband Forfeiture Trust Fund – School Resource Officer Class Room Instructional Training – \$3,920.00
- (12) Human Resource – Hiring Freeze Waiver - Committee Recommending Williams “Bill” Newcomb – Maintenance Technician - Landscape and Parks Department
- (13) Human Resource – Hiring Freeze Waiver - Committee Recommending Nathaniel Moss – Custodian – Maintenance Department
- (14) Florida Department of Law Enforcement Awards the Edward Byrne Memorial Justice Assistance Grant - Sheriff’s Office – Computer Enhancement Project - \$5,575.00
- (15) Utility Permit – AT&T (fka: BellSouth Telecommunications) – NW Lake Jeffery Road
- (16) Agreement – David Finley, P.E., P.A. – Professional Engineering Services – Repairs to Old Wire Road Bridge over Olustee Creek
- (17) Minute Approval – Joint Meeting with City of Lake City – Scheduled Meeting - February 25, 2009

Impact Fee Moratorium

Attorney Carey from Nabors, Giblin & Nickerson discussed with the Board their options for placing a moratorium on impact fees. She said that according to a recent workshop, there is a proposal to impose a moratorium on the collection of impact fees in Columbia County. This will need to be approved by the ordinance amendment at the March 19, 2009 meeting.

Attorney Carey addressed two issues remaining from the workshop. She told the Board that all properties must be treated equally. If they make a decision to refund residential impact fees, they must also refund the commercial impact fees. Also, the refund of impact fees can be made retroactive to January 01, 2009, and will be included in the ordinance amendment.

MOTION by Commissioner Weaver to set a public hearing for March 19, 2009, for the purpose of modifying the ordinance, and for staff to instruct Building and Zoning to cease collecting impact fees beyond today’s date. Second by Commissioner Williams.

Public Input

Chairman Bailey read a letter that was written by Chris Bullard on behalf of the Columbia County Chamber of Commerce expressing support of the impact fee moratorium.

Developer Brian Crawford read a letter on behalf of the Board of Realtors supporting the moratorium on impact fees and making the moratorium retroactive to January 01st.

Citizen Stewart Lilker spoke against the moratorium. He hopes that by the time of the public hearing, the Board will have evidence to support a moratorium, and a good reason why the only people from this date back to January 01, 2009, should be the only ones to be reimbursed their impact fee costs. He asked what makes this particular group of people from January 01, 2009, till present, more special than others who have paid the impact fees for the prior nine months. He said that some of the commissioners and staff have a conflict of interest, and have the potential to benefit from this moratorium. He mentioned that Commissioner Dupree and Commissioner Williams are both contractors, Commissioner Bailey's father-in-law is a developer, and that Commissioner Frisina may or may not have a conflict since her uncle, Arky Rogers, is a landowner and developer. He said that Attorney Feagle has a brother who is a developer, and that the County Manager's brother is involved in real estate and developing. He asked for a list of everyone who had applied for a building permit this year, since they will receive a refund. He said that there is absolutely no proof as to how this moratorium will benefit the people of the county. He suggests that forms declaring a conflict should be filed by some of those on the Board.

Commissioner Frisina expressed that it could be construed that any landowner could have a possible conflict. Attorney Feagle advised that "conflict of interest" is addressed in F.S. 112.3143. He said that if the measure under consideration will inure to the special gain or special laws of yourself, father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law or business associate or a principal by whom you're retained. He said the key words are "a special gain or benefit." He said that F.S. 286.012 requires Board members to vote unless their conflict is stated. He said unless there is a conflict by which there is a special gain or benefit, the commissioners must vote.

Attorney Feagle noted that the Board will be voting on modifications to two (2) ordinances; the County Commission ordinance and the School Board's impact fee ordinance are separate.

Attorney Austin Peele said for the record that he represents Chairman Bailey's father-in-law, who supports a moratorium on impact fees. He said for the record that he is being paid to be in attendance. Attorney Peele said that his client is a developer and does not hold a contractors license. He said that Chairman Bailey has always been scrupulous in declaring a conflict when appropriate, while serving as a member of both the Planning and Zoning Board and Board of County Commissioners. He said that it is his understanding of the Board's intent, is that the refunded money from the moratorium would go directly to the home owner. Attorney Peele said there have been numerous occasions where clients have paid him hourly to come to the Board meetings, and he will have to sit and listen to Mr. Lilker and others go on and on. He told Mr. Lilker that it appears that he [Lilker] is retired and has plenty of time on his hands, so that he is able to attend meetings, but that his clients do not like having to pay for him to sit and listen to him [Lilker]. Mr. Peele told Mr. Lilker that he is like the little boy who cried wolf, and that he has cried wolf so many times, that people tend to shut their ears after a while, because they don't want to listen.

Citizen Rita Hedrick told the Board that it would be prudent to wait to see if the bill introduced by the legislature regarding a moratorium passes before taking action. Regardless, if the Board acts to move forward with a moratorium, she asked that for the sake of the School Board, it not be made retroactive.

Citizen Jack Berry said that he personally supports a moratorium. He explained at what point, as a member of the Hospital Authority Board, he will declare a conflict of interest. The Chairman asked that he complete a citizen comment card and give it to Ms. Carolyn Baker.

The motion carried unanimously.

Linard Johnson said schools throughout the state are suffering. He said that it would be very difficult for the School Board to refund money that has already been allocated for the purpose of educating the children. He said that he supports the moratorium, but asked that there be no retroactive refunding as it applies to the School Board's portion. Attorney Carey said that since the Board is dealing with two separate ordinances and the one ordinance could be retroactive and the other not.

Florida Crown Workforce Resolution

Attorney Feagle said that this resolution is dealing with an interlocal agreement that was entered into by the consortium, which consists of Columbia, Dixie, Ghilchrist and Union Counties. On December 06, 2007, the consortium entered into an interlocal agreement with the Florida Crown Workforce Board by way of resolution. There was discussion at the last meeting regarding Columbia County withdrawing from the interlocal agreement. This would also require a resolution, which would require a thirty day notice. If adopted, the effective date would be June 30, 2009, which is the date the agreement would automatically renew unless terminated.

Chairman Bailey read a letter from Attorney Tom Brown who represents the Florida Crown Workforce Board requesting an opportunity to meet with Columbia County regarding its decision to withdraw. The Commission agreed for both boards to meet in a public meeting.

MOTION by Commissioner Williams to adopt the resolution and to hold in abeyance until after the joint meeting of the boards. Second by Commissioner Weaver.

Attorney William Haley addressed the Board in place of Attorney Tom Brown. Mr. Chastain and Mr. Larry Thompson of Florida Crown were not in attendance as they only learned yesterday that the Board intended to address this issue. Mr. Haley asked that since no actual vote was "needed" at this time that they not vote. Mr. Haley assured the Commission that Florida Crown representatives are willing to meet and determine what, if any, problems there are, and then take the issue back to their Board.

Citizen Stewart Lilker said that it only makes sense for the Board not pass the resolution until all efforts have been made to resolve the issues. Mr. Lilker provided the Clerk to the Board with a verbatim transcript of the meeting where Commissioner Dupree made "the" motion to sever ties. He asked Attorney Feagle what or who inspired him at the twelfth hour to place the proposed resolution on the second page of the agenda, and if the resolution was based on Commissioner Dupree's motion. He said clearly, it would be difficult for anyone to get ready for this meeting with the resolution being placed on the agenda at the last minute. Attorney Feagle replied that he understood the motion made by Commissioner Dupree was to notify the Workforce Board that the County intended to withdraw from the agreement. After reviewing the interlocal agreement, he concluded the resolution would be the proper procedure for notifying the Workforce Board of the county's intent to withdraw from the consortium. Regarding the resolution being on the second page, Attorney Feagle explained this is the first Board meeting since the motion was made and as soon as he had it prepared it was sent over to the county offices.

Commissioner Weaver recalled that the Commission has tried previously to address issues with the Florida Crown Workforce Board. He said that the Board of County Commissioners has not reacted without prior notice. Commissioner Bailey concurred stating that the problem is old and that efforts have been made to resolve issues prior to and even after his appointment to the consortium.

The resolution will be effective May the 15, 2009 unless rescinded by the Board

The County Manager said that staff would need to proceed now on the basis of the Board's motion at the last meeting, because otherwise there would not be a sufficient amount to transition time. If there is a resolution to the matter, staff can simply cease its works.

The motion and second was withdrawn.

MOTION by Commissioner Williams to adopt the resolution with it being effective May 15, 2009, unless rescinded. Second by Commissioner Weaver. The motion carried unanimously.

Non Agenda Items by Commission

Tax Certificate Recommendations

At the Chair's direction, Commissioner Weaver reported having considered the county held tax certificates and found no properties that the county may be interested in.

MOTION to accept the report by Commissioner Weaver. Second by Commissioner Dupree. The motion carried unanimously.

John Robertson

Commissioner Dupree advised that the funeral for former City Councilman John Robertson will be on Sunday afternoon at 3:30 p.m. at the First Presbyterian Church.

Citizen Input

Citizen Stewart Lilker asked if there was any "word" on the "**Johns**" case. Attorney Feagle said that the case is being defended by the Sheriff's insurance company. He has not heard anything else on the case.

Clerks Note: Commissioner Williams left the meeting early due to an illness.

Citizen Stewart Lilker said that he has asked previously by email why **County Attorney Feagle's billing** is not placed on the Board's agenda for approval. The County Manager replied that because of the vote of the citizens, Attorney Feagle is an elected official; he is a constitutional officer. As is with other constitutional officers, bills are generated. While they are public record, they are not publicized. Attorney Feagle's bills are reviewed by him [County Manager], the Clerk's internal auditor, and the Chairman, and copies are distributed to the Board before being presented for payment. The only time attorney invoices are placed on the agenda is when the invoices are for specific projects and for a specific amount of work completed. County Manager Williams replied that the county has considered the County Attorney a constitutional officer on the basis of an Attorney General's opinion, which qualified him for the retirement benefit, just as other elected officials. Mr. Lilker said that there is nothing in the enabling legislation that even remotely indicates that Attorney Feagle is anything close to a constitutional officer. The County Manager said that he is an elected official and is treated as such.

Mr. Lilker said that the people of the county voted for Marlin Feagle to work for the Board of County Commissioners, and like any other attorney that works for the Board of County Commissioners, his billing should be approved by the Board. He said that it is incumbent upon the Board to approve all of Attorney Feagle's bills in a public meeting.

Mr. Lilker recalled that months prior to Commissioner Dupree and Frisina coming on the Board, a payment of approximately \$12,000 was approved for the drafting of a **sign ordinance**. He asked where the ordinance is. Attorney Feagle said that he received a draft ordinance a long time ago from an attorney out of Duval County. He said that the draft ordinance needs to be finalized and must go through Planning and Zoning, but has not been scheduled for several reasons.

Citizen Barbara Lemley said regarding the discussion of the **Records Retention Center** that there was nothing discussed in the presentation regarding the Tobacco Warehouse Property or the Embree Building. She asked the Board not to be hasty in their deciding and to think about where the county would be in ten years. She said the site selected should provide ample parking and space for current and future needs as well.

Citizen Lance McDonald asked if the county has plans to provide better **fire protection** for the residents in the south end of the county. Chairman Bailey said that "they" have submitted plans and that "they" are working on some things at this time for the northern and southern ends of the county.

Mr. McDonald said that there has been a lot of disrespect to citizens who have addressed the Board. He said that he knows people who want to come to the meeting, but don't want to be made a fool of. He

encouraged **more tact and respect** when speaking to one another. Mr. McDonald closed by telling the County Manager that he had a very nice staff.

There being no further business, the meeting adjourned at 9:30 p.m.

ATTEST:

Board of County Commissioners

P. DeWitt Cason, Clerk of Circuit Court